

APR - 3 2006

**BEFORE THE  
LABOR AND INDUSTRIAL RELATIONS COMMISSION  
JEFFERSON CITY, MISSOURI**

LABOR AND INDUSTRIAL  
RELATIONS COMMISSION

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**In the matter of:**      **Objection to Annual Wage Order No. 13, issued in March 2006, as it pertains to the Occupational Title of "Operating Engineer" in the Counties of Adair, Boone, Cole, Marion, Monroe, Pike, Pulaski, Ralls and Randolph, all of which said Counties are within the geographic jurisdiction of International Union of Operating Engineers Local 513.**

**On Behalf of:**      **International Union of Operating Engineers, Local 513**

**Objector.**

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**OBJECTION**

COMES NOW International Union of Operating Engineers, Local 513 (hereinafter "Objector"), and files its Objections to Annual Wage Order No. 13, issued in March 2006, by the Missouri Division of Labor Standards, and for its Objection states therefore as follows:

1.      Objector is an unincorporated association representing members who perform work in the construction trades and specifically under the Occupational Title of "Operating Engineer" throughout the state of Missouri of the type covered by Section 290.210, R.S.Mo., *et seq.* (the "Missouri Prevailing Wage Law"). These individual union members also perform work of the type at issue in this Objection on a regular basis. Through well-established precedent, the Objector has historically been permitted to represent the interests of its members before the Labor and Industrial Relations Commission, as have other unincorporated associations, on matters of objections to proposed Annual Wage Orders.

2.      A review of the applicable collective bargaining agreements and construction practice within the objected to counties, all of which are within the geographic jurisdiction of Objector, reveals that changes must be made in some of the wage rates with respect to the Occupational Title of

Operating Engineer within those counties. Specifically, on a county-by-county basis, the following changes must be made:

(A) Adair County Group III-A

220 hours inadvertently submitted at \$21.84 per hour. The correct rate according to 8 C.S.R. 30-3.060 with respect to Group III-A of the Occupational Title of Operating Engineer is \$24.07. The hours in question were inadvertently submitted by the Objector as hours at \$21.84 per hour, when they should have been submitted at \$24.07 per hour.

(B) Boone County Group III-A

500 hours inadvertently submitted at \$21.84 per hour, should have been submitted at \$24.07 per hour rate pursuant to the Division of Labor Standards Occupational Title for Group III-A

(C) Boone County Group IV

141 hours was inadvertently submitted at \$24.77 per hour should have been submitted at \$21.84 per hour for Group IV for the Occupational Title of Operating Engineer.

(D) Cole County Group III-A

40 hours inadvertently submitted at \$21.84 per hour for Group III-A should have been submitted at \$24.07 per hour.

(E) Cole County Group IV

5 hours inadvertently submitted at \$24.77 per hour should have been submitted at \$21.84 per hour for Group IV.

(F) Marion County Group III-A

15 hours inadvertently submitted at \$21.84 per hour for Group III-A should have been submitted at \$24.07 per hour.

(G) Monroe County Group III-A

10 hours inadvertently submitted at \$21.84 per hour for Group III-A should have been submitted at \$24.07 per hour.

(H) Pike County Group III-A

30 hours inadvertently submitted at \$21.84 per hour for Group III-A should have been submitted at \$24.07 per hour.

(I) Pulaski County Group III-A

20 hours inadvertently submitted at \$21.84 per hour for Group III-A should have been submitted at \$24.07 per hour.

(J) Ralls County Group III-A

30 hours inadvertently submitted at \$21.84 per hour for Group III-A should have been submitted at \$24.07 per hour.

(K) Randolph County Group III-A

35 hours inadvertently submitted at \$21.84 per hour for Group III-A should have been submitted at \$24.07 per hour.

3. In addition to the Wage Rates described above, fringe benefits as described in the preliminary Annual Wage Order determination apply without change.

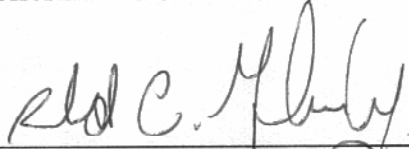
4. With respect to the Group IV hours reported in Boone and Cole Counties, the hours submitted were oiler hours and should not have been submitted under Group IV. The other hours submitted under Group IV of the Occupational Title Rule should be reflected as 0 hours.

5. With respect to the other objections, the hours submitted consisted of work performed on masonry forklifts, which hours under the Occupational Title of work descriptions should have been reported as Group III-A at \$24.07 per hour. Confusion arises because the Group III-A in the Occupational Title Rule 8 C.S.R. 30-3.060, differs from the Operating Engineers Local 513 collective bargaining agreement groupings that masonry forklifts under the collective bargaining agreement are listed as Group II, but under the Occupational Title Rule, they are Group III-A.

6. The proposed changes to Annual Wage Order No. 13 wage rates as described above are reflective of the Objector's collective bargaining agreement when read in conjunction with 8 C.S.R. 30-3.060 and said collective bargaining agreement with signatory employers applies throughout the geographic area of this Objection.

WHEREFORE, it is respectfully requested that the Labor and Industrial Relations Commission consider favorably the Objection of Objector and amend the Wage Rates as described herein to reflect the practice, collective bargaining agreement, and prevailing wage rates throughout the geographic jurisdiction of Objector and for such other changes as are deemed appropriate.

BARTLEY GOFFSTEIN, L.L.C.



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### CERTIFICATE OF SERVICE

An original and two (2) copies of the foregoing was served on Pamela Hofmann, Administrative Secretary, Labor and Industrial Relations Commission, 3315 West Truman Boulevard, P.O. Box 599, Jefferson City, Missouri 65102-0599, by **Overnight Mail**; and a copy was served on the following individuals by facsimile and by placing same, postage prepaid, in the U.S. mails this 3/24 day of March, 2006:

Allen E. Dillingham, Director  
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